

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS

Plaintiff

v.

CARDIAC SCIENCE, INC., et. al.,

Defendants

Civil Action: 04-30126-MAP

IN CLERK'S OFFICE  
FILED  
2007 FEB 2 P 3:33  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

**MEMORANDUM IN SUPPORT OF PLAINTIFF, DONALD C. HUTCHINS'  
MOTION TO SCHEDULE JURY TRIAL**

The Plaintiff, Donald C. Hutchins ("Hutchins") files this Memorandum in support of his Motion to schedule a jury trial at the earliest possible date.

**I. SUMMARY OF POSITION**

A Status Conference was held on 11/1/2006 before Judge Michael A Ponsor with all parties present. Judge Ponsor addressed two directions that the action could take. First a jury trial and secondly a settlement that the Court would recommend. The parties agreed to hear the settlement suggestion. The Plaintiff Hutchins would answer for himself and Attorney Randall Skaar would confer with the parties and act as spokesman for the Defendants. Docketed 11/1/06 states, "Counsel to report back by phone to Clerk on or before 11/15/06 as to suggestion made by Court."

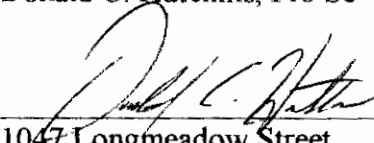
Hutchins reported back and reluctantly agreed to the Court's suggestion even though it would result in only a small fraction of the damages called for in the Complaint.

Elizabeth French has reported to Hutchins that the Defendants refused the Court's suggested settlement. As a result there is no alternative but to schedule a jury trial.

## II. CONCLUSION

Hutchins is willing to accept the obvious disadvantage of presenting this case to a jury as a *pro se* advocate because he feels the facts will speak for themselves.

Donald C. Hutchins, Pro Se



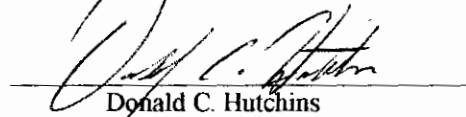
1047 Longmeadow Street  
Longmeadow, Massachusetts 01106  
(413) 567-0606

Dated: February 2, 2007

### CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate parties by sending a copy by United States mail to: Randall T. Skaar, Esq. Patterson, Thunte, Skaar & Christensen, P.A., 4800 IDS Center, 80 South 8<sup>th</sup> St. Minneapolis, Minnesota: 55402, Paul H. Rothschild, Esq. Bacon & Wilson, P.C., 33 State St., Springfield, MA 01103; John J. Egan Esq., Egan, Flanagan and Cohen, P.C., 67 Market St., Springfield, MA 01102-9035

Dated: 2/2/07



Donald C. Hutchins